IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Porter et al.

Application No.: 09/876,942   Confirmation No.: 9076

Filed: June 8, 2001   Art Unit: 2176

For: METADATA QUALITY IMPROVEMENT   Examiner: W. L. Bashore

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is in response to the Notice of Non-Compliant Appeal Brief mailed in this case on April 19, 2007. The fees required under § 41.20(b)(2) were submitted on May 15, 2006 at the time of filing the original Appeal Brief.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

I.	Real Party In Interest
II	Related Appeals and Interferences
III.	Status of Claims
IV.	Status of Amendments
V.	Summary of Claimed Subject Matter
VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument
VIII.	Claims
Appendix A	Claims
Appendix B	Evidence
Appendix C	Related Proceedings

I.   REAL PARTY IN INTEREST

The rights of the inventors in this application were originally assigned to Thompson Licensing S.A., of Boulogne Billancourt, France, as recorded at reel 012997, frame 0277. Thompson Licensing S.A. subsequently assigned its rights in this application to America Online, Inc., of Dulles, Virginia, as recorded at reel 016214, frame 0654.

II.   RELATED APPEALS AND INTERFERENCES

Neither Appellants, Appellants' legal representative, nor the above-identified Assignee are aware of other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal.

III.   STATUS OF CLAIMS

Claims 1-21 have been presented; claims 4 and 17 have been canceled; claims 1-3, 5-16 and 18-21 are presently pending and stand finally rejected.

The Examiner rejected claims 1, 2, 5-15 and 17-21 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,225,995 to Jacobs et al. ("Jacobs") in view of U.S. Patent No. 6,389,467 to Eyal ("Eyal") and further in view of U.S. Patent No. 6,418,441 to Call ("Call").

The Examiner rejected claims 3 and 16 under 35 U.S.C. § 103(a) over Jacobs in view of Eyal and Call and further in view of U.S. Patent No. 6,584,468 to Gabriel et al. ("Gabriel").

Appellants hereby appeal the rejection of claims 1-3, 5-16, and 18-21.

IV.   STATUS OF AMENDMENTS

No amendments have been filed subsequent to a final Office Action dated January 11, 2006.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

A.   Overview of the Invention and Cited References

1.   The Invention

The rejected claims are directed to techniques for enhancing the quality of metadata that is associated with streaming media files. A search system maintains the metadata associated with the streaming media files in a database. The metadata associated with a streaming media file may correspond to, by way of example, category, title, delivery mode, publisher, performer, program title, creation country, genre, and language of the streaming media file. When the search system finds a streaming media file, the search system enhances the metadata associated with the streaming media file in the database by adding to the database the additional metadata derived from the contents of the fields in the Uniform Resource Indicator (URI) of the streaming media file. The search system may enhance the metadata in the database by adding new metadata that was not previously in the database or by correcting incorrect metadata that was previously in the database. This allows the streaming media file to be searchable under the enhanced metadata.

For example, for a particular streaming media file, the metadata maintained in the database for this streaming media file may indicate that the category is music (e.g., "category=music") and that the artist is Freddy Roulette (e.g., "artist=Freddy Roulette"). The search system may subsequently determine from analyzing the URI associated with this streaming media file that the genre is punk rock. In this instance, the search system can update the metadata maintained in the database for this streaming media file by adding to the pre-existing metadata the new metadata indicating that the genre is punk rock (e.g., "genre=punk rock").

By enhancing the quality of the metadata associated with a streaming media file in this manner, the search system allows the streaming media file to also be searchable under the added or enhanced metadata.

2.   The Jacobs Reference

Jacobs describes a method for supporting multiple-request operations in a stateless environment. (2:43-46.) A server receives a request from a client, and if the request is a multiple-request operation, the server initiates an operation. After the request is processed, either by the server or another entity, the server assembles a set of state information associated with the operation. The server incorporates the state information into a URL. The server then sends to the client the URL along with a response to the request previously received from the client. When the client submits a second request that relates to the same operation – e.g., the previous request – the client sends the URL that was previously provided by the server. The server receives the URL and extracts the state information from the URL, and uses the state information extracted from the URL to resume the previously initiated operation. The server uses the extracted state information to resume the operation at the exact point at which the previous request stopped. After the second request is processed, the server updates the state information associated with the operation, and incorporates the updated state information into another URL. The server then sends to the client the new URL along with the response to the second request received from the client. This process repeats until the multi-request operation is either completed or canceled. (2:55-3:22.)

According to Jacobs, the server remains stateless by not storing the state information extracted from the URI. Rather, the clients that are making the requests are unknowingly maintaining the state information associated with multiple-request operations, and the server retrieves the state information from the URI that is received with each client request. (32:44-55.)

3.   The Eyal Reference

Eyal describes a system for playing back media from a network. The system uses a database of network addresses to provide continuous streaming media playback over the network.   The database associates network addresses to one or more classes of

information, where each address accesses a media network resource. The system receives a search criteria from a network enabled device, and uses the search criteria to select at least one address from the database. The system signals the selected address to the network enabled device, and controls the network enabled device so as to automatically access and play back the media resource of the selected address. (1:51-2:42.)

4.   The Call Reference

Call describes a method for disseminating over the Internet product information using the products' existing universal product codes (bar codes). Seekers desiring product information fetch web pages, which may contain links to product information, via the Internet from on-line merchants. Each link in the web page contains a reference which designates a particular product by its corresponding universal product code. When the seeker activates a link, a request message containing the universal product code is sent via the Internet to a reference database, which returns the Internet address of a particular manufacturer's server which then makes the desired product information available. (2:9-29; 18:13-67.)

5.   The Gabriel Reference

Gabriel describes a method for indexing network information. (Abstract.) A search list maintains weighted links to files in a network. The network is searched for files of information relevant to people and resources in a particular field using the search list of weighted links to the files. The information in the files is then parsed for content and additional links to additional files. The content is weighted according to its relevancy, and the weighted content is copied to memory. A determination is then made as to whether the additional links to the additional files are relevant to the people and resources in the particular field, and the additional links that are relevant are weighted using a predetermined weighting algorithm and copied into the search list. The additional files

corresponding to the relevant links are in turn similarly parsed for content and additional files. (Abstract; 3:46-58.)

B.   Independent Claims on Appeal

The rejected independent claims are directed to enhancing the quality of original metadata associated with a streaming media file.

1.   Claim 1

In at least one embodiment, a method in a computing system improves the quality of original metadata associated with a streaming media file. The streaming media file has a URI comprising a plurality of fields on a communications network. (See e.g., Specification, paragraph [0033].) The computing system maintains in a database original metadata associated with the streaming media file. (See e.g., Specification, paragraph [0035].) The computing system analyzes each field of the plurality of fields of the URI associated with the streaming media file to determine if an association exists between each field and predetermined sets of metadata, where the predetermined sets of metadata comprises metadata. The computing system identifies metadata that is associated with each analyzed field, and adds the associated metadata to the original metadata in the database. (See e.g., Specification, paragraphs [0056]-[0061].)

2.   Claim 11

In at least one embodiment, a computer system improves the quality of original metadata associated with a streaming media file having a URI comprising a plurality of fields. (See e.g., Specification, paragraph [0033].) The computer system comprises at least one computer, the computers of the computer system being communicatively coupled to each other. Each computer of the computer system includes at least one program stored on a computer-readable medium therein for allowing communication between the computers of the computer system. The programs operate in conjunction with one another to cause at least one computer of the computer system to (1) reorganize the plurality of

fields of the URI associated with said streaming media file; (2) analyze each field of the reorganized plurality of fields of the URI to determine if an association exists between each field and predetermined sets of metadata comprising metadata; (3) identify metadata associated with each analyzed field; and (4) add the associated metadata to the original metadata in a database. (See e.g., Specification, paragraphs [0035] and [0056]-[0061].)

3.   Claim 13

In at least one embodiment, a computer-readable medium embodied in a program improves the quality of original metadata associated with a streaming media file having a URI comprising a plurality of fields. (*See e.g.*, Specification, paragraphs [0024]-[0029], [0033]-[0034], and [0056]-[0057].) The computer-readable medium includes means to cause a processor (1) to reorganize the plurality of fields of the URI associated with the streaming media file; (2) to analyze each field of the reorganized plurality of fields of the URI to determine if an association exists between each field and predetermined sets of metadata comprising metadata; (3) to identify metadata associated with each analyzed field; and (4) to add the associated metadata to the original metadata in a database. (*See e.g.*, Specification, paragraphs [0027], [0035], and [0058]-[0061]; Figure 10.)

4.   Claim 15

In at least one embodiment, a computer data signal embodied in a carrier wave includes a reorganize code segment, an analyze field code segment, an identify code segment, and an add metadata code segment. The reorganize code segment reorganizes a plurality of fields of a URI, where the URI is a locator for a streaming media file on a communications network having associated original metadata maintained in a database. (See e.g., Specification, paragraphs [0033] and [0035].) The analyze field code segment analyzes each field of the reorganized plurality of fields of the URI to determine if an association exists between each field and predetermined sets of metadata comprising metadata. The identify code segment identifies metadata associated with each analyzed

field, and the add metadata code segment adds the associated metadata to the original metadata in the database. (See e.g., Specification, paragraphs [0056]-[0061].)

C.   Dependent Claims Argued Separately on Appeal

1.   Claim 3

In at least one embodiment, the computing system of claim 1 reorganizes the plurality of fields of the URI in reverse order and analyzes each field of the reorganized plurality of fields. (See e.g., Specification, paragraph [0058].)

2.   Claim 16

In at least one embodiment, the reorganize code segment of claim 15 reorganizes the plurality of fields of the URI in reverse order. (See e.g., Specification, paragraph [0058].)

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Is the rejection of claims 1, 2, 5-15, and 18-21 under 35 U.S.C. § 103(a) over Jacobs in view of Eyal and Call proper?

B.   Is the rejection of claims 3 and 16 under 35 U.S.C. § 103(a) over Jacobs in view of Eyal, Call, and Gabriel proper

VII.   ARGUMENT

A.   Rejections Under 35 U.S.C. § 103(a)

1.   Legal Standards for Obviousness

All of the claims on appeal stand rejected as being obvious under 35 U.S.C. § 103(a). 35 U.S.C. § 103(a) provides:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

To properly reject claims as being obvious, "the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d (BNA) 1955, 1956 (Fed. Cir. 1993). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *Id.* (quoting *In re Bell*, 991 F.2d 781, 782, 26 U.S.P.Q.2d (BNA) 1529, 1531 (Fed. Cir. 1993)). The Examiner is not allowed to use hindsight gleaned from the invention itself to modify references. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1050-51 (Fed. Cir. 1988). Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Although a prior art device "may be capable of being modified to run the way [the patent applicant's] apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990).

Under these standards, Appellants' invention would not have been obvious. The Examiner has not identified prior art references that disclose all the elements of pending claims 1-3, 5-16, and 18-21. Accordingly, the rejection of these claims should be reversed.

> 2.   The Rejection of Claims 1, 2, 5-15, and 18-21 under 35 U.S.C. § 103(a) Over Jacobs in View of Eyal and Call is Improper
>
>> a.   The Examiner has Not Identified Prior Art References that Disclose All the Elements of Claims 1, 2, 5-15, and 18-21
>>
>>> i.   Claims 1, 2, and 5-10

Claims 1, 2 and 5-10 are rejected under 35 U.S.C. § 103(a) over Jacobs in view of Eyal and Call. Claim 1 reads as follows:

> A method in a computing system for improving a quality of original metadata associated with a streaming media file having a uniform

resource indicator (URI) on a communications network, said URI comprising a plurality of fields, said method comprising the steps of:

maintaining in a database original metadata associated with said streaming media file;

analyzing each field of said plurality of fields of said URI associated with said streaming media file to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

identifying metadata that is associated with said each analyzed field; and

adding said associated metadata to said original metadata in said database.

Claims 2 and 5-10 depend either directly or indirectly from claim 1. In rejecting the claims, the Examiner stated that:

Jacobs teaches "analyzing each field . . . each field," and "adding . . . metadata" (i.e., URI . . . identify the metadata associated with browser request . . . send a revised browser message) (col 21, line 40 – col 22, line 15; Summary; col 2, line 65 – col 3, line 20).

Jacobs does not expressly teach "streaming" but Eyal does teach streaming media playback on a network (col 5, lines 60-65) and metadata extraction module accesses for [*sic*] each link to extract metadata about the identified media link (col 6, lines 3-10).

Jacobs in view of Eyal does not expressly teach the amendments to claim 1, but Call does suggest the claim limitations with the amendments (ie., in a method for disseminating information via the internet, using universal product codes, with a URL table allowing a web search engine can [*sic*] perform web crawler indexing of the web sites specified by the listed IP address (which the examiner as [*sic*] equivalent to URI based on the applicant's specs), thereby generating an index to items in the table; Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include streaming media playback on a

network where the metadata extraction module accesses for each link to extract metadata about the identified media link as taught by Eyal, providing the benefit of providing streaming media on the internet reliably when the number of users accessing the site become congested (col 2, line 15-48), further to include placing IP address in an indexable database table such that can [*sic*] be searched by a web crawler as taught by Call, providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (col 1, lines 3-35).

(Office Action, January 11, 2006, pp. 2-3.)

The Examiner has failed to show how the prior art references show the elements recited by claims 1, 2 and 5-10. More specifically, the Examiner has failed to show how Jacobs, Eyal, and Call discloses or suggests (1) analyzing each field of said plurality of fields of said URI associated with said streaming media file to determine if an association exists between said each field and predetermined sets of metadata, (2) identifying metadata that is associated with said each analyzed field, and (3) adding said associated metadata to said original metadata in said database.

The Examiner characterized Jacobs' discussion at 2:65-3:20 and 21:40-22:15 of the processing of a client multiple-request operation as disclosing "analyzing each field of said plurality of fields of said URI associated with said streaming media file" and "adding said associated metadata to said original metadata in said database." The Examiner is mistaken. These cited sections of Jacobs do not disclose adding said associated metadata to said original metadata in said database. Although Jacobs describes the use of information contained in the URI, Jacobs uses the information in the URI to determine the state of the transaction associated with the browser request. (*See e.g.*, 3:5-22; 23:64-24:3.) In Jacobs, a URI is associated with a single request in a multiple-request operation, and the URI contains the state information for the multiple-request operation at the stage just prior to the particular request associated with the URI. Jacobs contains no suggestion or teaching of adding the state information contained in the URI to original information

regarding the multiple-request operation. In fact, Jacobs specifically explains that the server remains stateless by not persistently maintaining the state information. (32:54-55.)

Further, this rejection is inadequately supported because the Examiner did not identify any motivation or suggestion to combine Jacobs, Eyal, and Call. The Examiner contends that it would have been obvious to combine Jacobs and Eyal with Call's placing of the IP addresses in an indexable database table. The Examiner stated that the combination of the three references would provide "the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet." (Office Action, January 11, 2006, p. 3.) Contrary to the Examiner's position, it would not have been obvious to one of ordinary skill in the art to combine Jacobs, Eyal, and Call. As discussed above, Jacobs specifically states that the server remains stateless by not storing the state information retrieved from the URI. Therefore, Jacobs expressly teaches away from combining with references such as Call, which teach storing state information in a database.

Moreover, the Examiner has not pointed to anything in the prior art that suggests or provides a motivation to add Jacob's extracted state information to original state information in a database. A motivation or suggestion to combine must come from the prior art. *In re Zurko,* 258 F.3d 1379, 1385-86, 59 U.S.P.Q.2d (BNA) 1693, 1697 (Fed. Cir. 2001); *In re Rijckaert,* 9 F.3d at 1532, 28 U.S.P.Q.2d (BNA) at 1956. The Examiner has not pointed to any teaching or suggestion within the prior art that supports his conclusory statements about a motivation or suggestion to combine. Rather, the Examiner's rejections are based on a legally impermissible use of hindsight. The Examiner recognizes differences between Appellants' claimed invention and the prior art, and attempts to attribute those improvements to some sort of common sense or background knowledge available to anyone of ordinary skill in the art at the time of the invention. The Federal Circuit has consistently held that reliance on such assertions of common sense or basic knowledge is impermissible. *Id.; see also In re Sang Su Lee,* 277 F.3d 1338, 61 U.S.P.Q.2d (BNA) 1430 (Fed. Cir. 2002). No teaching or motivation from

within the prior art suggested combining Jacobs with Eyal and Call, and the Examiner's conclusory statements are insufficient.

Accordingly, the Examiner has failed to identify prior art references that disclose the elements recited by claims 1, 2, and 5-10, and the rejection of these claims should be reversed.

ii.   Claims 11-15 and 18-21

Claims 11-15 and 18-21 are rejected under 35 U.S.C. § 103(a) over Jacobs in view of Eyal and Call. Claim 11 reads as follows:

> A computer system for improving a quality of original metadata associated with a streaming media file having a uniform resource indicator (URI), said URI comprising a plurality of fields, said computer system comprising at least one computer, each of said at least one computer being communicatively coupled to all of said at least one computer, wherein each of said at least one computer includes at least one program stored on a computer-readable medium therein for allowing communication between each and every of said at least one computer, each of said at least one program operating in conjunction with one another to cause said at least one computer to perform the steps of:
>
> reorganizing said plurality of fields of said URI associated with said streaming media file;
>
> analyzing each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;
>
> identifying metadata associated with said each analyzed field; and
>
> adding said associated metadata to said original metadata in a database.

Claim 13 reads as follows:

A computer-readable medium having embodied thereon a program for causing a processor to improve a quality of original metadata associated with a streaming media file having a uniform resource indicator (URI), said URI comprising a plurality of fields, said computer-readable medium comprising:

means for causing said processor to reorganize said plurality of fields of said URI associated with said streaming media file;

means for causing said processor to analyze each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

means for causing said processor to identify metadata associated with said each analyzed field; and

means for causing said processor to add said associated metadata to said original metadata in a database.

Claim 15 reads as follows:

A computer data signal embodied in a carrier wave comprising:

a reorganize code segment for reorganizing a plurality of fields of a URI, wherein said URI is a locator for a streaming media file on a communications network having associated original metadata maintained in a database;

an analyze field code segment for analyzing each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

an identify code segment for identifying metadata associated with said each analyzed field; and

an add metadata code segment for adding said associated metadata to said original metadata in said database.

Claim 12 depends from claim 11, claim 14 depends from claim 13, and claims 18-21 depend either directly or indirectly from claim 15. In rejecting the claims, the Examiner stated that:

> Jacobs does not teach, but Eyal teaches . . . *reorganizing said plurality of fields* (ie., organize metadata clips according to an order . . . listed together or listed before less preferred clip . . .)(col 29, lines 40-57). Jacobs teaches *URI* and *original metadata* (ie., URI)(Jacobs, col 21, lines 40-45).
>
> Jacobs teaches *analyzing each field . . . each field* and *adding . . . metadata* (ie., URI . . . identify the metadata associated with browser request . . . send a revised browser message)(col 21, line 40 – col 22, line 15; Summary; col 2, line 65 – col 3, line 20).
>
> Jacobs does not expressly teach "streaming" but Eyal does teach streaming media playback on a network (col 5, lines 60-65) and metadata extraction module accesses for [*sic*] each link to extract metadata about the identified media link (col 6, lines 3-10).
>
> Jacobs in view of Eyal does not expressly teach the amendments, but Call does suggest the claim limitations with the amendments (ie., in a method for disseminating information via the internet, using universal product codes, with a URL table allowing a web search engine can [*sic*] perform web crawler indexing of the web sites specified by the listed IP address (which the examiner as [*sic*] equivalent to URI based on the applicant's specs), thereby generating an index to items in the table; Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).
>
> It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include organizing media clips as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47), further to include placing IP address in an indexable database table such that can [*sic*] be searched by a web crawler as taught by Call, providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (col 1, lines 3-35).

(Office Action, January 11, 2006, pp. 6-7.)

The Examiner has failed to show how Jacobs, Eyal, and Call show the elements recited by claims 11-15 and 18-21. These claims recite (1) analyzing each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata, (2) identifying metadata associated with said each analyzed field, and (3) adding said associated metadata to said original metadata in a database. For the reasons discussed above with respect to claim 1, the Examiner has failed to show how Jacobs, Eyal, and Call discloses or suggests the aforementioned elements recited by claims 11-15 and 18-21.

Further, this rejection is inadequately supported because the Examiner has failed to show how Jacobs, Eyal, and Call suggests reorganizing said plurality of fields of said URI associated with said streaming media file, as recited in these claims. The Examiner characterized Eyal's discussion at 29:40-57 of the rating of media clips by a user as disclosing the reorganization of the fields of a URI. The cited section of Eyal does not disclose reorganizing said plurality of fields of said URI associated with said streaming media file. Rather, the cited section of Eyal merely describes organizing the media clips according to a rating input by a user. The Examiner has not identified anywhere in Eyal that suggests or teaches reorganizing the fields in a URI, and the Examiner does not contend that Jacobs or Call involves reorganizing the fields in a URI. Indeed, neither Jacobs nor Call discloses or suggests reorganizing the fields in the URI.

Accordingly, the Examiner has failed to identify prior art references that disclose the elements recited by claims 11-15 and 18-21, and the rejection of these claims should be reversed.

b.   There is No Suggestion to Combine Jacobs, Eyal, and Call, and Jacobs, Eyal, and Call are Therefore Incapable of Supporting any Proper Rejection of Claims 1, 2, 5-15, and 18-21 Under 35 U.S.C. § 103(a)

Jacobs, Eyal, and Call cannot be combined to disclose or suggest all of the elements recited by claims 1, 2, 5-15, and 18-21. These claims recite a database that contains the metadata associated with a streaming media file. Applicants agree with the Examiner's concession that Jacobs and Call fail to expressly disclose a database that contains the metadata associated with a streaming media file. (Office Action, January 11, 2006, pp. 3 and 7.) There is no suggestion or motivation in Jacobs, Eyal, or Call to modify the system of Jacobs with an indexable database table taught by Call. Rather, as discussed above, Jacobs expressly teaches away from incorporating database tables for maintaining state information associated with the multiple-request operations. For at least this reason, Jacobs, Eyal, and Call cannot render these claims obvious.

c.   Jacobs, Eyal, and Call Fail to Disclose or Suggest All of the Elements Recited by Claims 1, 2, 5-15, and 18-21, and are Therefore Incapable of Supporting any Proper Rejection Under 35 U.S.C. § 103(a)

Together, Jacobs, Eyal, and Call fail to disclose or suggest all of the elements recited by claims 1, 2, 5-15, and 18-21. These claims recite:

> maintaining in a database original metadata associated with said streaming media file;
>
> . . .;
>
> identifying metadata that is associated with said each analyzed field; and
>
> adding said associated metadata to said original metadata in said database.

(in claims 1-2 and 5-10, with similar language in the other rejected claims). Jacobs has no teaching or suggestion that any associated metadata – i.e., the metadata that was

identified as being associated with each of the analyzed fields of the URI – is added to the original metadata. To the contrary, Jacobs specifically explains that the server remains stateless by not persistently maintaining the state information. (32:54-55.) Although Jacobs describes the use of metadata in the URI, the metadata is not added to pre-existing or original metadata in a database. Rather, Jacobs uses the identified metadata in the URI to determine the state of the transaction associated with the browser request. (*See e.g.*, 3:5-22; 23:64-24:3.) Neither Eyal nor Call discloses or suggests adding metadata associated with a streaming media file to the original metadata associated with the streaming media file. For at least this reason, Jacobs, Eyal, and Call cannot render claims 1, 2, 5-15, and 18-21 obvious.

      3.   <u>The Rejection of Claims 3 and 16 under 35 U.S.C. § 103(a) Over Jacobs in View of Eyal, Call, and Gabriel is Improper</u>

          a.   <u>The Examiner has Not Identified Prior Art References that Disclose All the Elements of Claims 3 and 16</u>

              i.   <u>Claim 3</u>

Claim 3 is rejected under 35 U.S.C. § 103(a) over Jacobs in view of Eyal, Call, and Gabriel. Claim 3 depends from claims 1. As discussed above, the Examiner has not identified prior art references that disclose all the elements recited by claim 1. Because claim 3 depends from claims 1, the Examiner has not identified prior art references that disclose all the elements of claim 3. Accordingly, the rejection of claim 3 should be reversed.

              ii.   <u>Claim 16</u>

Claim 16 is rejected under 35 U.S.C. § 103(a) over Jacobs in view of Eyal, Call, and Gabriel. Claim 16 depends from claim 15. As discussed above, the Examiner has not identified prior art references that disclose all the elements recited by claim 15. Because claim 16 depends from claim 15, the Examiner has not identified prior art references that disclose all the elements of claim 16. Accordingly, the rejection of claim 16 should be reversed.

b.   Jacobs, Eyal, Call and Gabriel Fail to Disclose or Suggest All of the Elements Recited by Claims 3 and 16, and are Therefore Incapable of Supporting any Proper Rejection Under 35 U.S.C. § 103(a)

Together, Jacobs, Eyal, Call, and Gabriel fail to disclose or suggest all of the elements recited by claims 3 and 16. Claims 3 and 16 depend from claims 1 and 15, respectively. As discussed above, Jacobs, Eyal, and Call fails to disclose or suggest all of the elements recited by claims 1 and 15, and Gabriel fails to cure the shortcomings of Jacobs, Eyal, and Call. For at least this reason, Jacobs, Eyal, Call, and Gabriel cannot render claims 3 and 16 obvious.

B.   Summary

Each of claims 1-3, 5-16, and 18-21 has been improperly rejected, both (a) in that the Examiner has failed to provide prior art references that disclose all of the elements of these claims, and (b) in that the cited references would not support any rejection of these claims. Accordingly, Appellants seek the reversal of the rejection of claims 1-3, 5-16, and 18-21.

VIII.   CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A include the amendments filed by Applicant on October 19, 2005.

Applicant believes no fee is due with this response. However, if a fee is due, please

charge our Deposit Account No. 50-0665, under Order No. 283108005US from which the undersigned is authorized to draw.

Dated: _5/2/07_   Respectfully submitted,

By _____
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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/876,942

1.   (Previously Presented) A method in a computing system for improving a quality of original metadata associated with a streaming media file having a uniform resource indicator (URI) on a communications network, said URI comprising a plurality of fields, said method comprising the steps of:

maintaining in a database original metadata associated with said streaming media file;

analyzing each field of said plurality of fields of said URI associated with said streaming media file to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

identifying metadata that is associated with said each analyzed field; and

adding said associated metadata to said original metadata in said database.

2.   (Previously Presented) The method in accordance with claim 1, further comprising the step of reorganizing said plurality of fields of said URI to provide a reorganized plurality of fields, wherein said step of analyzing each field comprises analyzing each field of said reorganized plurality of fields.

3.   (Previously Presented) The method in accordance with claim 2, wherein said step of reorganizing said plurality of fields comprises reorganizing said plurality of fields in reverse order.

4.   (Canceled)

5.   (Previously Presented) The method in accordance with claim 1 , wherein:

said step of analyzing each field comprises analyzing each field in contiguous field
     order until no associated metadata is identified for a field; and

said step of adding said associated metadata comprises adding metadata
     associated with fields for which associated metadata has been identified.

6.   (Previously Presented) The method in accordance with claim 5, further
comprising the step of adding a contents of said field for which no associated metadata
was identified to said original metadata in said database.

7.   (Previously Presented) The method in accordance with claim 6, further
comprising the steps of:

replacing each connecting character in said contents with a space for providing a
     plurality of terms;

adding said plurality of terms to said original metadata in said database.

8.   (Previously Presented) The method in accordance with claim 1, wherein said
metadata comprise elements related to at least one of content of the streaming media file,
intellectual property rights associated with the streaming media file, and instantiation of the
streaming media file.

9.   (Previously Presented) The method in accordance with claim 1, wherein said
streaming media file comprises multimedia.

10.   (Previously Presented) The method in accordance with claim 1, wherein said
communications network is a computer network.

11.   (Previously Presented) A computer system for improving a quality of original
metadata associated with a streaming media file having a uniform resource indicator (URI),

said URI comprising a plurality of fields, said computer system comprising at least one computer, each of said at least one computer being communicatively coupled to all of said at least one computer, wherein each of said at least one computer includes at least one program stored on a computer-readable medium therein for allowing communication between each and every of said at least one computer, each of said at least one program operating in conjunction with one another to cause said at least one computer to perform the steps of:

> reorganizing said plurality of fields of said URI associated with said streaming media file;

> analyzing each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

> identifying metadata associated with said each analyzed field; and

> adding said associated metadata to said original metadata in a database.

12. (Previously Presented) The computer system in accordance with claim 11, wherein each of said at least one program operating in conjunction with one another causes said at least one computer to perform the additional steps of:

> adding a contents of said field for which no associated metadata was identified to said original metadata in said database;

> replacing each connecting character in said contents with a space for providing a plurality of terms; and

> adding said plurality of terms to said original metadata in said database.

13.   (Previously Presented) A computer-readable medium having embodied thereon a program for causing a processor to improve a quality of original metadata associated with a streaming media file having a uniform resource indicator (URI), said URI comprising a plurality of fields, said computer-readable medium comprising:

means for causing said processor to reorganize said plurality of fields of said URI associated with said streaming media file;

means for causing said processor to analyze each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

means for causing said processor to identify metadata associated with said each analyzed field; and

means for causing said processor to add said associated metadata to said original metadata in a database.

14.   (Previously Presented) The computer-readable medium in accordance with claim 13, further comprising:

means for causing said processor to add a contents of said field for which no associated metadata was identified to said original metadata in said database;

means for causing said processor to replace each connecting character in said contents with a space for providing a plurality of terms; and

means for causing said processor to add said plurality of terms to said original metadata in said database.

15.   (Previously Presented) A computer data signal embodied in a carrier wave comprising:

   a reorganize code segment for reorganizing a plurality of fields of a URI, wherein said URI is a locator for a streaming media file on a communications network having associated original metadata maintained in a database;

   an analyze field code segment for analyzing each field of said reorganized plurality of fields of said URI to determine if an association exists between said each field and predetermined sets of metadata, said predetermined sets of metadata comprising metadata;

   an identify code segment for identifying metadata associated with said each analyzed field; and

   an add metadata code segment for adding said associated metadata to said original metadata in said database.

16.   (Previously Presented) The computer data signal in accordance with claim 15, wherein said reorganize code segment comprises reorganizing said plurality of fields in reverse order.

17.   (Canceled)

18.   (Previously Presented) The computer data signal in accordance with claim 15, wherein:

   said analyze field code segment comprises analyzing each field in contiguous field order until no associated metadata is identified for a field; and

   said add metadata code segment comprises adding metadata associated with fields for which associated metadata has been identified.

19.   (Previously Presented) The computer data signal in accordance with claim 18, further comprising an add contents code segment for adding a contents of said field for which no associated metadata was identified to said original metadata in said database.

20.   (Previously Presented) The computer data signal in accordance with claim 19, further comprising:

  a replace code segment for replacing each connecting character in said contents with a space for providing a plurality of terms; and

  an add term code for adding said plurality of terms to said original metadata in said database.

21.   (Previously Presented) The computer data signal in accordance with claim 15, wherein said metadata comprise elements related to at least one of content of the streaming media file, intellectual property rights associated with the streaming media file, and instantiation of the streaming media file.

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.